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Counsel for the Plaintiff

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

FIRESTAR DIAMOND, INC., *et al.*

Debtors.

Chapter 11

No. 18-10509 (SHL)

(Jointly Administered)

RICHARD LEVIN, trustee for the liquidating
trusts of FIRESTAR DIAMOND, INC.,
FANTASY, INC., and OLD AJ, INC. f/k/a
A. JAFFE, INC.,

Adv. Proc. No. 19-1102 (SHL)

Plaintiff,

v.

NIRAV MODI, MIHIR BHANSALI, and AJAY
GANDHI

Defendants.

**PLAINTIFF'S MOTION FOR AN
ORDER OF ATTACHMENT AND OTHER PROVISIONAL RELIEF
AGAINST DEFENDANT MIHIR BHANSALI**

Plaintiff Richard Levin, as trustee ("Trustee") of the liquidating trusts established for the Debtors' estates in the above-captioned chapter 11 cases, moves under Article 62 of the New York Civil Practice Law and Rules, sections 278 and 279 of the New York Debtor and Creditor Law, Federal Rule of Civil Procedure 64, and Federal Rule of Bankruptcy Procedure 7064 for entry of an order granting the Trustee the following provisional relief against Defendant Mihir Bhansali:

(1) attaching the interest in Bhansali's personal residence, 50 Riverside Boulevard, Apt. 24A, New York, New York 10069 (Parcel No. 1171-2520) (the "**Bhansali Residence**"), that he transferred to his wife, Rakhi Bhansali, for no consideration two days after Debtors filed for bankruptcy, and

(2) authorizing the Trustee to conduct discovery to identify additional assets available to satisfy a judgment against Bhansali.

In support of this Motion, the Trustee is contemporaneously submitting a memorandum of law (the "**Memorandum of Law**") and the declaration of Richard Levin (the "**Levin Declaration**"), which set forth the legal and factual bases entitling the Trustee to the relief requested herein.

The Trustee will serve copies of this motion, the Memorandum of Law, and the Levin Declaration and its exhibits on Mihir Bhansali's counsel and all other counsel of record through the Court's CM/ECF system and by electronic mail, and to Rakhi Bhansali by personal service.

WHEREFORE, for the reasons set forth in the Memorandum of Law and the Levin Declaration, the Trustee respectfully requests entry of an order of attachment, substantially in the form annexed as **Exhibit A**, attaching the Bhansali Residence, authorizing discovery concerning Bhansali's assets, and granting all other just and proper relief.

[Signature page follows]

Dated: August 31, 2022
New York, New York

Respectfully submitted,

JENNER & BLOCK LLP

By: /s/ Angela M. Allen

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Counsel for the Trustee

Exhibit A
Proposed Order

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

FIRESTAR DIAMOND, INC., *et al.*

Debtors.

Chapter 11

No. 18-10509 (SHL)

(Jointly Administered)

RICHARD LEVIN, trustee for the liquidating trusts of FIRESTAR DIAMOND, INC., FANTASY, INC., and OLD AJ, INC. f/k/a A. JAFFE, INC.,

Adv. Proc. No. 19-1102 (SHL)

Plaintiff,

v.

NIRAV MODI, MIHIR BHANSALI, and AJAY GANDHI

Defendants.

**ORDER OF ATTACHMENT AND OTHER PROVISIONAL RELIEF AGAINST
DEFENDANT MIHIR BHANSALI**

This matter coming before the Court on the motion for an order of attachment and other provisional relief (the “**Motion**”) filed by Richard Levin, as trustee (the “**Trustee**”) for the liquidating trusts of Firestar Diamond, Inc., Fantasy, Inc., and Old AJ, Inc. (f/k/a A. Jaffe, Inc.) seeking (i) to attach certain property to secure a judgment obtained in the above-captioned adversary proceedings against Bhansali, and (ii) authority to conduct discovery of Bhansali’s assets; the Court having reviewed the Motion and the memorandum of law (the “**Memorandum of Law**”) and the declaration of Richard Levin (the “**Levin Declaration**”) filed in support thereof; the Court having found that the Court has jurisdiction over this matter under 28 U.S.C. § 1334; and the Court having determined that the legal and factual bases set forth in the Motion,

Memorandum of Law, and the Levin Declaration satisfy the requirements of Article 62 of the New York Civil Practice Law and Rules, Federal Rule of Civil Procedure 64, and Federal Rule of Bankruptcy Procedure 7064, and establish just cause for the relief requested therein;

IT IS HEREBY ORDERED:

1. The Motion is granted as set forth herein.
2. Based upon the record evidence submitted through the Levin Declaration, the Trustee has met the standard for an order of attachment under N.Y. C.P.L.R. § 6211.
3. In accordance with N.Y. C.P.L.R. § 6214 and Federal Rule of Civil Procedure 4.1, the attorneys for the Trustee, Jenner & Block LLP, are hereby appointed to act in the place and stead of the United States Marshal for the Southern District of New York or any person appointed to act in his or her place and stead (the "**U.S. Marshal**"), and shall promptly serve this Order of Attachment upon: (a) counsel of record to Defendant Mihir Bhansali; and (b) Rakhi Bhansali at the Bhansali Residence or at any other location she can be found.
4. In accordance with N.Y. C.P.L.R. § 6216 and Federal Rule of Civil Procedure 4.1, the attorneys for the Trustee, Jenner & Block LLP, are hereby appointed to act in the place and stead of the U.S. Marshal, and shall promptly file this Order of Attachment with the New York City Office of the City Register.
5. In accordance with N.Y. C.P.L.R. § 6216, the filing and recording of this Order of Attachment shall cause to be levied the real property commonly known as 50 Riverside Boulevard, Apt. 24A, New York, New York 10069 (Parcel No. 1171-2520) to satisfy an amount up to \$15,000,000, plus the amount of interest and costs, including the U.S. Marshall's fees and expenses, incurred in this action.
6. In accordance with N.Y. C.P.L.R. § 6220, the Trustee may take discovery, including but not limited to requests for production, interrogatories, and depositions, of Bhansali and any

other person or entity that may have information concerning any property or debt that might be subject to attachment to secure any judgment against Bhansali in these adversary cases.

7. In accordance with N.Y. C.P.L.R. § 6212(b), the Trustee shall post an undertaking in the amount of \$50,000.00 as security.

8. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order, including the authority to impose sanctions on any person or entity that violates this Order.

Dated: _____, 2022
New York, New York

HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE

Submitted by:

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¹ The names and addresses of the Trustee's counsel are so indorsed in accordance with N.Y. C.P.L.R. § 6211(a).